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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/706,628

11/12/2003

Thomas Wolf

926536-94607

7988

7590

10/19/2006

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,628

Applicant(s)

WOLF, THOMAS

Examiner

Scott Haugland

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3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/4/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Pat. No. 5,727,751) in view of Singer (U.S. Pat. No. 4,759,510) and Sand (U.S. Pat. No. 4,598,006).

Liu discloses a toilet paper roller comprising a first roller half 30, a second roller half 20, solid cylindrical portions and ribbed portions 50 adjacent to each other and forming portions of curvilinear walls of the first and second roller halves, a plurality of

scent releasing elements 54 within a hollow chamber formed by the first and second roller halves.

Liu does not disclose that the scent releasing elements 54 are scented beads having scented oil disposed over them.

Singer teaches forming scent releasing elements as scented beads and specifically beads impregnated with scented oil.

Sand teaches impregnating materials with scent by soaking them in scented material (col. 1, lines 21-23).

It would have been further obvious to form the scent producing element 54 of Liu with a plurality of scented beads as taught by Singer since Singer teaches that scented beads would be suitable for providing scent in a toilet paper roller. It would have been obvious to form the scented beads by soaking them in the scented oil as taught by Sand in order to simply and efficiently apply the scent material to the beads. The resulting soaked beads would have the claimed structure of scented beads having a layer of scented oil disposed over them.

With regard to claim 3, it would have been obvious to make the roller halves of Liu of thermoplastic since Liu shows the roller halves as plastic and it is old and well known to form plastic articles of thermoplastics to facilitate forming by molding.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Pat. No. 5,727,751) in view of Singer (U.S. Pat. No. 4,759,510) and Sand (U.S. Pat. No.

4,598,006) as applied to claim 1 above, and further in view of Mount (Converting Magazine - Metallized Film Barriers: Where to Next?).

Liu does not disclose a wrapper around the toilet paper roller.

Mount teaches providing an airtight wrapper for an article comprising a layer of aluminum coated with polyester to prevent escape of odor or aroma (see p. 1, paragraph 3; pp. 5-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Liu with a wrapper as taught by Mount to protect the roller and prevent escape of scent during shipping.

Response to Arguments

Applicant's arguments filed 8/4/06 have been fully considered but they are not persuasive.

Applicant argues that the pellet 14 in Singer is not scented and that the claims require two scented materials. However, the pellets 14 in Singer are scented by virtue of the fact that they have scented material impregnated in them. There is nothing in Applicant's disclosure to suggest that the beads 14 in Singer are different than those disclosed by Applicant. If the beads were prepared in an obvious manner, such as by soaking in scented material as taught by Sand to allow the scented oil to be absorbed into the micropores of the beads, then the resulting structure would include the claimed scented beads and the claimed layer of scented oil disposed over them since the

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structure would include beads impregnated with scented material and would include coating layers of scented oil on the surfaces of the beads.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/12/06
sjh
10/12/06

Kathy Matecki

**KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**